

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 70

April 17, 1996, 6:13 p.m.  
Page S-3475 Temp. Record

## TERRORISM PREVENTION CONFERENCE/No Federal Law Enforcement Study

**SUBJECT:** Conference report to accompany the Antiterrorism and Effective Death Penalty Act of 1996 . . . S. 735.  
Hatch/Dole motion to table the Biden motion to recommit with instructions.

### ACTION: MOTION TO TABLE MOTION TO RECOMMIT AGREED TO, 53-46

**SYNOPSIS:** The conference report to accompany S. 735, the Terrorism Prevention Act, will enact law enforcement provisions to prevent terrorism and to apprehend and punish terrorists, and will reform Federal and State capital and noncapital habeas corpus procedures.

**The Biden motion to recommit with instructions** would direct Senate conferees to disagree to the conference report and to insist on the deletion of the provision that will create an independent commission to review, ascertain, evaluate, report, and recommend action to Congress on the following matters:

- Federal law enforcement priorities for the 21st century, including the capabilities of Federal law enforcement agencies to investigate and to deter adequately the threat of terrorism facing the United States;
- the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed;
- the standards and procedures used by Federal law enforcement agencies, and their degree of uniformity and comparability on an interagency basis;
- the investigation and handling of specific Federal criminal law enforcement cases (the commission will pick the cases which it will examine);
- the necessity for the present number of Federal law enforcement agencies and units;
- the efficacy of the coordination on an interagency basis of the operations, programs, and activities of Federal law enforcement agencies;
- the amount of effort currently expended in increasing the professionalism of Federal law enforcement officials;
- the independent accountability mechanisms, if any, that exist to address Federal law enforcement abuses;

(See other side)

YEAS (53)			NAYS (46)		NOT VOTING (1)	
Republicans (52 or 100%)	Democrats (1 or 2%)		Republicans (0 or 0%)	Democrats (46 or 98%)	Republicans (1)	Democrats (0)
Abraham	Helms	Heflin		Akaka		
Ashcroft	Hutchison			Baucus		
Bennett	Inhofe			Biden		
Bond	Jeffords			Bingaman		
Brown	Kassebaum			Boxer		
Burns	Kempthorne			Bradley		
Campbell	Kyl			Breaux		
Chafee	Lott			Bryan		
Coats	Lugar			Bumpers		
Cochran	McCain			Byrd		
Cohen	McConnell			Conrad		
Coverdell	Murkowski			Daschle		
Craig	Nickles			Dodd		
D'Amato	Pressler			Dorgan		
DeWine	Roth			Exon		
Dole	Santorum			Feingold		
Domenici	Shelby			Feinstein		
Faircloth	Simpson			Ford		
Frist	Smith			Glenn		
Gorton	Snowe			Graham		
Gramm	Specter			Harkin		
Grams	Stevens			Hollings		
Grassley	Thomas			Inouye		
Gregg	Thompson					
Hatch	Thurmond					
Hatfield	Warner					

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

- the degree of coordination among law enforcement agencies in the area of international crime;
- the extent to which Federal law enforcement agencies coordinate their efforts with State and local law enforcement agency efforts; and
- any other related matters the Commission deems appropriate.

The Commission will consist of 5 members, 4 of whom will be appointed by the leaders in the House and the Senate, 1 of whom will be appointed by the Chief Justice of the Supreme Court, and none of whom will be an officer or employee of the United States.

Debate was limited by unanimous consent. Following debate, Senator Hatch, for himself and Senator Dole, moved to table the Biden motion. Generally, those favoring the motion to table opposed the motion to recommit; those opposing the motion to table favored the motion to recommit.

**Those favoring** the motion to table the motion to recommit contended:

The Senate-passed bill did not contain any provisions to establish a commission on law enforcement. The House-passed bill contained a provision to establish a Waco/Ruby Ridge Commission. That provision was passed by the House due to concern by many House Members that the events at Waco, Texas and at Ruby Ridge, Idaho, and the events at the Good Old Boy Roundup, indicate that some Federal law enforcement officers and agencies are undisciplined and abusive. However, the Senate has already held hearings on the unfortunate events that occurred at Waco and at Ruby Ridge and has issued a report that has been praised across the political spectrum. That report has been accepted as fair and honest by both militia leaders and by law enforcement officials (who were criticized in that report).

Therefore, Senate conferees refused to accept the House provision. In lieu thereof, they proposed to take a broader look at the missions for Federal law enforcement agencies in the 21st century and the steps that should be taken to help them meet those missions. The House conferees accepted the Senate conferees' proposal. Thus, instead of creating a commission with subpoena powers to dwell on two of the most tragic Federal law enforcement efforts ever, this conference report will create the Commission on the Advancement of Federal Law Enforcement. The Commission will seek to shore up, not tear down, Federal law enforcement efforts.

In drafting the duties of this Commission, we had in mind the Wickersham Commission of 60 years ago, which performed a similar review of Federal law enforcement activities and concluded that an increased Federal law enforcement role was needed to fight a rise in interstate crime, particularly interstate organized crime. We did not have a hostile intent, as our colleagues seem to imagine. In all honesty, we did not even know anyone objected to this proposal until this motion was offered. If law enforcement officials believe that there are parts of this proposal that are too critical of them, we will be happy to try to work out an accommodation when it is implemented.

We are not willing, however, to send this bill back to conference over this item. As we have explained on one motion to recommit after another, sending this bill back to conference will kill it. We had great difficulty in getting the House even to act on its version of the terrorism bill, and even more difficulty in getting it to compromise once the bill finally reached conference. A very careful, uneasy balance was achieved in that conference. We are not willing to upset that balance by sending this bill back, because no future balance would be reached. We oppose killing this bill, and we thus favor the motion to table.

**Those opposing** the motion to table the motion to recommit contended:

All of the previous motions we have offered have been to add items to this conference report to help Federal law enforcement officials in their fight against terrorism. This motion is different; it is to strike a provision which attacks law enforcement officials themselves. In a sad twist, many House Members seem to view some law enforcement officials as being nearly as dangerous as criminals. They view officials of the Bureau of Alcohol, Tobacco, and Firearms with particular distrust. Due to that mistrust, they have managed to have included in this conference report the creation of the Commission on the Advancement of Federal Law Enforcement, which will examine the structures and purposes of Federal law enforcement agencies. Most Senators served in State and local offices before coming to this body, and most Senators while in those offices were urged by various groups that were hostile to the police to set up investigative commissions of this type. In each case, the purpose was not to help--it was to criticize. Similarly, we think the Commission on the Advancement of Federal Law Enforcement is being set up to criticize. For example, one of the Commission's duties will be to determine "the necessity for the present number of Federal law enforcement agencies and units." Many Members of the House have made no secret of their belief that the Bureau of Alcohol, Tobacco, and Firearms should be eliminated--we think this section is clearly intended to steer the Commission toward recommending that elimination. Making matters even more insulting, no Federal official or employee will be appointed to the Commission. The implication is that Federal employees cannot be trusted to make an honest assessment. Every part of this proposed commission is objectionable. We should not slap law enforcement in the face on a bill that is supposed to help law enforcement in its effort to fight terrorism. We should not vote to table the Biden motion.